रजिस्ट्री सं० डी०एल०-33004/95 REGISTERED NO. DL-33004/95

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

PARLIAMENTARY SECRETARIAT LIBRARY
No.
Date
GOVT. OF

सं० 38] नई दिल्ली, बृहस्पतिवार, अगस्त 17, 1995/श्रावण 26, 1917
No. 38] NEW DELHI, THURSDAY, AUGUST 17, 1995/SRAVANA 26, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 17th August, 1995:—

BILL NO. 62 OF 1995

A Bill further to amend the Official Secrets Act, 1923.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Official Secrets (Amendment) Act, 1995.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 16.

19 of 1923.

2. In the Official Secrets Act, 1923, after section 15 the following section shall be added, namely:—

Saving.

"16. (1) Notwithstanding anything contained in this Act, if any person, who is in possession of any document or information which relates to indulgence in corruption by any public servant or Minister or any individual but is not prejudicial to the safety or interests of the State, makes that document or information public, he shall not be liable to be punished under the provisions of this Act.

(2) In this section, the expression—

(*a*) "corruption" means and includes all offences punishable under the Prevention of Corruption Act, 1988; 49 of 1988.

(*b*) "Minister" means a Minister of the Central Government or a State Government and includes ex-Minister;

(*c*) "public servant" has the same meaning as is assigned to it in clause (c) of section 2 of the Prevention of Corruption Act, 1988.". 49 of 1988.

STATEMENT OF OBJECTS AND REASONS

Public life in India is becoming polluted and corrupt day by day. The Ministers and high officials of the Government indulge in mean task of making money by misusing their positions and through favouritism. The Official Secrets Act, 1932 was enacted by the Britishers to put a veil on their misdeeds. In independent India this law, enacted during the British regime, is being continued by the corrupt officials and leaders to cover up their misdeeds. Therefore, there is a need to make an amendment to this law in order to check corruption and bungling by the Government officials and Ministers and to bring such cases of favouritism before public.

Hence this Bill.

NEW DELHI;
July 13, 1995.

MOHAN SINGH

BILL NO. 51 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1995.

Substitution of new article for article 44.

2. For article 44 of the Constitution, the following article shall be substituted, namely:—

Model family code for the citizens.

"44. The State shall endeavour to introduce a model family code which shall apply to the citizens who, or the social groups which, opt for it in lieu of the customary or statutory personal law applicable to them.".

STATEMENT OF OBJECTS AND REASONS

Since 1950 there has been persistent pressure for introducing a uniform civil code. The issue has been raised both by social activists and by political parties particularly on the eve of elections. While the Hindu personal law has been codified and a number of laws relating to personal matters applicable to other communities have been enacted, it has not been possible by the Parliament to enact a uniform civil code, because of the reluctance of religious minorities which have their religion based personal laws and by the tribal and other communities which have their customary laws. In fact in the Constituent Assembly, the Muslim leaders demanded exemption for the Muslim community on ground of freedom of religion and of conscience.

Successive Governments have assured the religious and ethnic minorities that no personal laws shall be imposed on them against their will and that there shall be no interference with the personal laws unless the community so desires.

It is generally agreed that in a country of continental dimensions like ours, the ultimate objective of having a uniform civil code can only be achieved in stages by codifying various personal laws, allowing common and generally accepted juridical principles to emerge from their consequent interaction and enforcement by a common judiciary and then building the structure of the uniform civil code on the basis of those principles.

This approach can be supplemented by enacting a parallel family code like the Special Marriage Act, 1954, as a model. This code shall be optionally applicable to those citizens who, and communities which, wish to accept it. The operation of an optional civil code may over a period of time erode the present resistance to the idea by taking article 44 out of the arena of competitive politics as well as opening the way for community education by social activists.

Hence this Bill.

NEW DELHI;
July 13, 1995.

SYED SHAHABUDDIN

BILL No. 61 OF 1995

A Bill further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Railways (Amendment) Act, 1995.

(*2*) It shall come into force at once.

Amendment of section 2.

2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act), in clause (28), after the words "as a passenger", the words "and includes a card or a coupon or by whatever name called, which entitles a sitting or former Member of Parliament, or that of a State Legislature or a freedom fighter to travel as a passenger," shall be inserted. 24 of 1989.

Amendment of section 137.

3. In section 137 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that if any person is found using or attempting to use fraudulently any pass issued in the name of any sitting or former Member of Parliament, or of a State Legislature or a freedom fighter, he shall be punished with imprisonment for a term which may extend to three years, or with a fine which may extend to five thousand rupees, or with both.".

STATEMENT OF OBJECTS AND REASONS

There have been instances where persons travel fraudulently on the passes issued to Members of Parliament, State Legislatures and freedom fighters for travel on railways. Such persons pose themselves as Members of Parliament or State Legislatures and thus defraud railway administration. It is, therefore, proposed in the Bill to provide severe punishment to those who pose themselves as Members of Parliament or of the State Legislatures or as freedom fighters and fraudulently travel on railways.

Hence this Bill.

NEW DELHI;
July 14, 1995.

MOHAN SINGH

BILL No. 55 OF 1995

A Bill to provide for free and compulsory education upto higher secondary level to all children through out the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Compulsory Education Act, 1995.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'appropriate Government' means the Central Government or the State Government, as the case may be;

(*b*) 'child' means a boy or a girl who has attained the age of five years;

(*c*) 'parent' in relation to any child includes a guardian or any person who has the actual custody of the child or is responsible for the welfare of the child;

(*d*) 'school' includes a school run or aided by the appropriate Government or a school registered by the appropriate Government.

Free and compulsory education.

3. The appropriate Government shall provide free and compulsory education to every child upto higher secondary level.

Responsibility of parents.

4. It shall be the responsibility of every parent to get his child admitted to a school for receiving education and the parent shall not in any manner restrain the child from attending the school till he completes his education upto the higher secondary level.

Employment not to obstruct education of children.

5. No person shall employ a child in such a job which prevents the child from attending school for receiving education.

Parent and school to ensure attendance of the child in school.

6. It shall be the responsibility of every parent and the head of the school, by whatever name he is called, to ensure the attendance of the child in the school on each working day:

Provided that if due to any reason the child is unable to attend school for any period, the parent of the child may, in writing, explain the reasons for the absence of the child from the school, to the head of the institution, for such period:

Provided further that if the head of the school is not satisfied with the reasons given by the parent for the absence of the child from school, he may cause an investigation.

Maintenance of attendance details of each child.

7. Every school shall maintain the attendance details of each child and shall forward the same to the appropriate Government once in every two months.

Special coaching for students.

8. Every school shall arrange for special coaching for those students who are weak in studies.

Steps to encourage and ensure compulsory education.

9. The appropriate Government shall take such steps as may be deemed necessary to encourage and ensure compulsory education to every child and it shall be obligatory for every school under its jurisdiction to carry out such directions.

Provision of assistance for pursuing education.

10. The appropriate Government shall provide all necessary assistance to a child, whose parent cannot afford the education of the child, in order to enable him to pursue his education.

Punishment.

11. (*1*) If any school does not comply with the provisions of this Act, the head of the school or any person responsible for the management of the school shall be punished with imprisonment for a term not exceeding one year and with fine not exceeding rupees ten thousand.

(2) Any parent who does not admit his child in a school or prevents, restrains or otherwise obstructs the child from receiving education, shall be liable to imprisonment for a term not exceeding one year in the first instance and shall be liable to imprisonment for a term not exceeding two years and with fine not exceeding five thousand rupees in every subsequent instance.

(3) If any person contravenes the provisions of section 5 of this Act, he shall be liable to imprisonment for a term not exceeding two years and with fine not exceeding rupees ten thousand.

Power to make rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Education is the basis for a decent and dignified life. In our country, education has never been given importance. Till today, a very low percentage of the population has had the opportunity to get education and majority of the population has never attended any school.

Poverty and ignorance are the two major reasons for the mass illiteracy. Due to poor financial conditions, parents are not able to afford the education of their children. Instead, children are made to do menial jobs and the meagre income earned by them are pocketed by the parents. Some of the parents, although financially sound, do not send their children to schools due to ignorance and negligence.

The Government has been taking steps to encourage attendance of children in schools by introducing many schemes like free noon-meals, etc. But the parents just to get all the facilities offered by the schools, admist their children in school for name-sake and they never ensure compulsory attendance of their wards. Even schools are not bothered about the attendance of the students.

Every child has a fundamental right to education. It is the duty of every parent, school and the State to encourage the children for pursuing education and ensure their attendance in the schools to achieve this end.

At present, there is no law to ensure compulsory education and to punish those responsible for not giving education to their children. With this in view, it is proposed to bring forward a law to provide for free and compulsory education and also to ensure it in every possible way.

The Bill seek to achieve the above objective.

NEW DELHI;
July 12, 1995.

CHITTA BASU,

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for provision of free and compulsory, education to every child upto higher secondary level. Clause 10 provides for provision of necessary assistance to every child whose parent cannot afford his education. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 59 OF 1995

A Bill to amend the National Commission for Women Act, 1990.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Commission for Women (Amendment) Act, 1995.

(*2*) It shall come into force at once.

Amendment of section 10.

20 of 1990.

2. In section 10 of the National Commission for Women Act, 1990, in sub-section (4), for the words "or sub-clause (i) of clause (f)" the words "or clauses (d) or (e) or sub-clause (i) of clause (f) or clause (g)" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Women are subjected to untold hardship and atrocities. They are deprived of their due rights in every sphere of life. They are humiliated, harassed and exploited to a great extent. Although womenfolk have made remarkable advancement in many fields, yet they are treated as inferior and second class citizens.

The National Commission for Women was established in 1990 in order to protect the interests of women. Although the Commission has been empowered with the powers of a Civil Court to deal with matters concerning women, there are certain more aspects in which the Commission does not enjoy the powers of a Civil Court. The Commission thus is not able to effectively take up the matters regarding discrimination and atrocities against women.

The Bill, therefore, seeks to plug the loopholes in the Act.

NEW DELHI;
July 14, 1995.

CHITTA BASU

BILL NO. 60 OF 1995

A Bill to provide for the setting up of a Bank for the purpose of advancing loans to the students for pursuing higher studies.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Education Bank of India Act, 1955.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Bank" means the Education Bank of India established under section 3;

(*b*) "prescribed" means prescribed by rules made under this Act; and

(*c*) "student" means a person who is pursuing any course of study, including any professional, vocational or research study, in any college or institution or University.

Setting up of Education Bank of India.

3. (1) The Central Government shall set up a Bank to be known as the "Education Bank of India" with its headquarter at New Delhi and regional offices in every State and Union territory.

(2) The Central Government shall set up a branch of the Bank in every district of the country.

Board of Directors.

4. (1) The Bank shall be managed by a Board of Directors consisting of—

(a) Union Human Resource Development Minister —*Chairman*

(b) Union Finance Minister —*Member*

(c) Education Minister of each State —*Members*

(d) Three prominent educationists to be nominated by the Central Government —*Members*

(e) Chairman-cum-Managing Director of a nationalised Bank to be nominated by the Central Government —*Member*

(f) Secretary in the Union Ministry of Human Resource Development —*Member Secretary*

(2) The term of office of the members of the Board of Directors appointed under clauses (d) and (e) of sub-section (1) shall be one year.

Meetings of Board of Directors.

5. (1) The Board of Directors of the Bank shall meet at such place and at such time as may be determined by the Chairman to frame out policies of the Bank.

(2) The Board of Directors shall meet atleast once in a year.

Function of the Bank.

6. The Bank shall advance loans to the students to meet the cost of their education.

Application for loan.

7. (1) An application for grant of loan shall be made to the concerned branch of the Bank by the student.

(2) An application made under sub-section (1) shall be disposed of within one month from the date of its receipt.

Loan to be paid to colleges and institutions directly by the Bank.

8. (1) The loan shall be payable to every eligible student till he completes the course for which the loan was applied for.

(2) The amount of loan shall be equal to the total cost of education which shall include course fees, study materials, hostel fees, if any, and any other related expenditure in connection with the education of the student.

(3) The Bank shall make the payment direct to the college or institution where the student whose loan has been sanctioned is pursuing his studies.

Eligibility for loan.

9. (1) The following shall be eligible for seeking full amount of loan from the Bank:—

(a) students, whose parents cannot afford the cost of higher education and whose annual income from all sources is less than sixty thousand rupees; and

(*b*) meritorious students.

(*2*) A student, whose parents cannot afford the full cost of his higher education, shall also be eligible to secure a loan from the Bank to the extent of the amount he falls short of.

Terms and conditions of sanction and repayment of loan.

10. (*1*) The loan shall be given to every eligible student without any security or guarantee:

Provided that the Bank may demand from the student such details and such documents before sanctioning loan as may be deemed fit.

(*2*) The loan shall be recovered with simple interest at the rate of three per cent per annum.

(*3*) The terms and conditions of repayment of the loan shall be such as may be prescribed:

Provided that a student shall start repaying the loan two years after he has secured a job in such instalments as may be prescribed.

Loan for research purposes.

11. (*1*) Any student who wishes to take loan from the Bank for research purposes shall apply to the concerned Regional Office of the Bank.

(*2*) The Regional Office of the Bank may, after necessary enquiry, sanction the loan:

(*3*) The terms and conditions of sanction and repayment of such loan shall be such as may be prescribed.

Officers and staff.

12. The Central Government shall appoint such number of officers and staff as may be required for the efficient functioning of the bank.

Branches to function under the control of Regional Office.

13. All the branches of the bank shall be under the control and supervision of the concerned Regional Office.

Representation to Regional Office by aggrieved students.

14. Any aggrieved student may represent to a Regional Office who shall, after considering all aspects of the case, forward their recommendations to the headquarter of the Bank and the decision of the headquarter shall be final.

Saving.

10 of 1949.

15. Nothing in the Banking Regulation Act, 1949, shall apply to the Bank established under this Act.

Power to make rules.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Majority of the students in our country are not able to pursue higher education due to poor financial conditions of their parents. Although, students are brilliant and want to pursue higher education, poverty comes in the way of their pursuit.

Professional and technical colleges charge exhorbitant fees for admission which the students cannot afford.

With a view to encouraging poor students to continue their education, it is proposed to provide loans on easy terms to them which can be repaid by them after they secure jobs.

Although several banks offer loans for continuing education, such schemes are not attractive and beyond the means of majority of the parents. Therefore, it is proposed to set up a Bank exclusively for the purpose of assisting the students by providing them loans for continuing higher education.

Hence this Bill.

NEW DELHI;
July 14, 1995

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Education Bank of India Clause 4(d) provides for nomination of three prominent educationists to the Board of Directors of the Bank by the Central Government Clause 12 provides for appointment of necessary officers and staff for the Bank.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore from the Consolidated Fund of India will be involved.

A non-recurring expenditure to the tune of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 53 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1995.

Amendment of article 164.

2. In article 164 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

"(2A) The question whether or not the Council of Ministers commands the suport of the majority of the members of the Legislative Assembly of the State shall be decided only on the floor of the Assembly.".

STATEMENT OF OBJECTS AND REASONS

The elected Governments in the States are being dismissed arbitrarily without testing on the floor of the Assembly whether the ruling party commands the majority or not. In many States, two or three political parties combine to form a coalition Government and, whenever, one party decides to withdraw its support to the Government, the Government is dismissed without ascertaining its majority in the Assembly. The Governor uses his power arbitrarily and in violation of the spirit of the Constitution. In the recent times, the discretionary power of Governor in dismissing one Government and installing another has created may controversies.

It is, therefore, proposed that the question whether the ruling party enjoys the majority support in the Assembly should be decided on the floor of the Assembly only.

Hence this Bill.

NEW DELHI;
July 14, 1995.

CHITTA BASU.

BILL No. 49 OF 1995

A Bill to provide for comprehensive and compulsory insurance of Safai Karamchari's against any mishap connected with their work to give them economic protection, safeguard their interests and for matters connected therewith.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Safai Karamcharis Insurance Scheme Act, 1995.

(*2*) It extends to whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means the Central Government or the State Government, as the case may be;

(*b*) "Mishap" means any physical injury, disability, handicap or any disease caused to a Safai Karamchari while performing his duties and

which, or such karamchari constitutes or result in a substantial handicap, whether temporarily or permanently, to his normal daily activities and to employment;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "Safai Karamchari" means any person engaged in or employed for manually carrying human excreta or any sanitation work and includes persons engaged in cleaning of animal hides; and

(*e*) "Scheme" means the Safai Karamcharis Insurance Scheme framed under section 3.

Safai Karam-Charis Insurance Scheme.

3. (*1*) The Central Government shall, in consultation with the State Governments, frame a Scheme to be known as the Safai Karamcharis Insurance Scheme, for comprehensive and compulsory insurance of Safai Karamcharis against any mishap.

(*2*) The Scheme shall, among other things, provide for—

(*a*) the principles and conditions governing the insurance of Safai Karamcharis under the scheme;

(*b*) part of insurance amount to be paid immediately to the Safai Karamchars in different mishaps caused to them due to hazards involved in the job;

(*c*) nominal rate of premium to be paid by the Safai Karamcharis;

(*d*) the extent of insurance cover;

(*e*) the manner of making claims by Safai Karamcharis; and

(*f*) any other matter which the Central Government may deem necessary.

Administration of the Scheme by the Central Government.

4. The Central Government shall, in consultation with the State Governments administer the Scheme.

Establishment of Safai Karamcharis Insurance Fund.

5. (*1*) The Central Government shall, in consultation with the State Governments and by notification in the Official Gazette, establish a fund to be known as Safai Karamcharis Insurance Fund which shall consist of—

(*a*) premium amount received from Safai Karamcharis for Insurance under the Scheme;

(*b*) grants made by the Central Government and the State Governments, in such ratio, as may be agreed between them;

(*c*) any monies received as contribution or donations from the people and organisations in India or abroad; and

(*d*) any income received from investment of money out of the Fund.

(2) The initial capital of the Safai Karamcharis Insurance Fund shall be rupees five hundred crore of which rupees four hundred crore shall be contributed by the Central Government and rupees one hundred crore shall be contributed by the State Governments in the proportion of number of Safai Karamcharis working in the respective States.

Constitution of Advisory Committees.

6. (1) The appropriate Government shall, by notification in the Official Gazette, constitute an Advisory Committee in every district, falling within its jurisdiction, to assess the claims made by the Safai Karamcharis due to any mishap.

(2) Every Advisory Committee shall consist of a Chairperson, to be appointed by the appropriate Government, and such other members and staff, as may be prescribed.

(3) The terms and conditions as to the qualifications, salary and allowances, etc. of the Chairperson, members and staff of the Advisory Committees shall be such as may be prescribed.

(4) While assessing the claims referred to in sub-section (1), every Advisory Committee shall inform the representatives of the Safai Karamcharis of the area, where such mishap has occurred, about the procedure followed by it in assessing such claims.

Payment of Insurance amount by the appropriate Government.

7. It shall be the responsibility of the appropriate Government to pay insurance amount or such part of insurance amount, as may be recommended by the Advisory Committee, referred to in section 6, to a Safai Karamchari for any mishap caused to him during the course of performance of his duties, out of the Safai Karamcharis Insurance Fund.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Several outmoded and ancient traditions, beliefs are prevalent in our country. The people, instead of doing their own work, depend on Safai Karamcharis for getting the cleaning work done. These Safai Karamcharis have not been provided with minimum wages and social and economic security till today. The wages of Safai Karamcharis are fixed on many basis like the left over meals in a village family, the number of families in a locality, the number of persons in banks, Post Offices, schools and other offices and the income of the local Bodies who are generally running in loss. Since most of the Gram Panchayats, Town Area Committees, Municipal Committees, Corporations, etc. are not able to earn profits, the Safai Karamcharis are not able to get even the minimum wages. Consequently, Safai Karamcharis are facing starvation.

The Safai Karamcharis always live in the danger of inhaling poisonous gases while clearing blocked sewer lines and carrying poisonous waste matter. They earn their livelihood from cleaning work, but they rarely get their meagre wages in time. As a result, they are forced to beg for food in the village.

Life Insurance Corporation and other insurance companies insure only those Safai Karamcharis who are working in Government or Semi-Government organisations and can afford higher premium. But majority of Safai Karamcharis are working in villages in unorganised sector on daily wages/part time basis and have no regular income.

In the circumstances, there is an urgent need to frame a comprehensive and compulsory insurance scheme for Safai Karamcharis who are living in deplorable conditions, selling their labour at very cheap rates and who are responsible for cleanliness and, thus, prevention of epidemics. Such an insurance scheme will go a long way in affording the social and economic protection.

Hence this Bill.

NEW DELHI:
May 4, 1995

MANGAL RAM PREMI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall, in consultation with the State Governments, frame a scheme to be known as the Safai Karamcharis Insurance Scheme. Clause 4 provides that the Central Government shall administer the scheme. Clause 5 provides for establishment of Safai Karamcharis Insurance Fund by the Central Government to which the Central Government shall contribute rupees four hundred crore to form initial capital of the fund and shall also make grants to the fund. Clause 6 provides for the constitution of Advisory Committees in every district by the appropriate Government. As far as constitution of these Committees in the States is concerned, the expenditure shall be met out of the Consolidated Fund of respective States. However, in the case of constitution of Advisory Committees in the Union territories, the expenditure shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out of the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore a normal character.

BILL No. 47 OF 1995

A Bill to amend the National Commission for Safai Karamcharis Act, 1993.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the National Commission for Safai Karamcharis (Amendment) Act, 1995. Short title.

64 of 1993. **2. In section 1 of the National Commission for Safai Karmcharis Act, 1993 (hereinafter referred to as the principle Act), sub-section (4) shall be omitted.** Amendment of section 1.

3. In section 4 of the principle Act in sub-section 1, the words "or up to the 31st day of March, 1997 whichever is earlier" shall be omitted. Amendment of section 4.

4. In section 8 of the principle Act, for sub-section (2), the following sub-section shall be substituted, namely:— Amendment of section 8.

"(2) The Commission shall, while performing any of the functions under sub-section (1) have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed."

Amendment of Section 15.

5. In section 15 of the principle Act, in sub-section (2),—

(i) in clause (a), for the words "and the other terms and conditions of service of," the words "term of office and the other terms and conditions of service of, shall be substituted; and

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) any other matter under clause (8) of sub-section (2) of section 8;".

STATEMENT OF OBJECTS AND REASONS

The Central Government has formulated special schemes and taken many steps for the social, economic and educational upliftment of Safai Karamcharis. A separate National Commission for Safai Karamcharis was constituted in 1993 to monitor these schemes and to suggest other measures for the promotion of interests of Safai Karamcharis. The Commission has been empowered to solicit information from Central and State Governments and local bodies in respect of any matter regarding Safai Karamcharis. It has been observed that information is not made available to the Commission and in many cases the Safai Karamchari who has made a complaint on the basis of which the Commission has solicited information is removed from his job.

Safai Karamcharis are made to work on daily and part-time basis and they do not get the wages in full or in time. No proper safety measures are available for Safai Karamcharis at the work sites. As the Commission does not have enough power to take up any matter affecting Safai Karamcharis with the concerned authorities. Safai Karamcharis have been left with no other option except to suffer in silence.

The National Commission for Safai Karamcharis was constituted for a period of three years only. As it is not a permanent body and a period of three years is not sufficient enough for upliftment of Safai Karamcharis, it is proposed to make the Commission a permanent body.

It is also proposed to give more powers to the Commission so that it can discharge its functions efficiently in the interests and for the welfare of Safai Karamcharis.

The Bill seeks to achieve the above objectives.

NEW DELHI;
May 10, 1995

MANGAL RAM PREMI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the National Commission for Safai Karamcharis on a permanent basis instead of for three years as at present. The Bill, will therefore involve expenditure from the Consolidated Fund of India in respect of supplementing the infrastructural and establishment facilities, appointment of adequate staff and salaries, allowances of Chairman and other members of the Commission. It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

R. C. BHARDWAJ,
Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI 1995.